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October 10, 1995

VIA HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W. - Room 222
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: CC Docket No. 92-297

Dear Mr. Caton:

On behalf of Fixed Point-to-Point Communications Section, Network Equipment Division of the Telecommunications Industry Association, we are filing an original and seven (7) copies of its Reply Comments on Third Notice of Proposed Rulemaking in the above-referenced matter.

If there are any questions, please communicate with the undersigned.

Respectfully submitted,

FLETCHER, HEALD & HILDRETH, P.L.C.

Leonard Robert Raish
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Enclosures

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**REPLY COMMENTS ON
THIRD NOTICE OF PROPOSED RULEMAKING BY THE
FIXED POINT-TO-POINT COMMUNICATIONS SECTION,
NETWORK EQUIPMENT DIVISION OF THE
TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

The Fixed Point-to-Point Communications Section, Network Equipment Division of the Telecommunications Industry Association ("TIA") submits the Reply Comments below in response to Comments filed in response to the Third Notice in the above-cited proceeding.

In the Third Notice, the Commission's summarily treats submissions by representatives of the terrestrial fixed microwave industry in this proceeding. TIA in its initial comments in this proceeding, strongly protested this treatment.

The Commission's tentative decision, to ignore the mounting demand for spectrum, both to serve the communications requirements of developing commercial mobile radio services and the competitive access industry, and to accommodate traditional private operational and common carrier fixed microwave users displaced from other frequency bands by prior Commission orders, is totally unjustified. Through these

Reply Comments TIA respectfully urges the Commission again to revise its proposed 28 GHz band segmentation plan in part (i) allocating 500 MHz of the 28 GHz band (28.35 - 28.6 GHz and 29.25 - 29.5 GHz) to point-to-point microwave services on a shared, co-primary basis with FSS and MSS services and (ii) by allocating 300 MHz of the 1,000 MHz proposed to be assigned to LMDS (28.2 - 28.35 GHz and 29.1 - 29.25 GHz) specifically for LMDS Backbone Link Service and to point-to-point microwave services on a shared, co-primary basis.

TIA concurs with and supports the Comments filed by Alcatel Network Systems Inc., Telephone and Data Systems, Harris Corporation - Farinon Division, and Digital Microwave Corporation. All these parties support TIA's approach to carving out part of the 28 GHz band for fixed services. The Commission is urged most strongly to take the views of those parties into account.

The Commission is likewise urged to give serious consideration to the views of NASA that (a) introduction of LMDS into the 27.5-29.5 GHz band is inconsistent with global use of FSS allocations (which can share with traditional terrestrial fixed operations), (b) LMDS should be accommodated in the 40.5-42.5 GHz band, and (c) why not promote a system using digital technology instead of analog. The NASA requirements have merit and are in accordance with spectrum allocations now in effect. Furthermore, NASA shares TIA's position that terrestrial fixed services should not be dealt with in a cavalier fashion.

TIA also concurs with the views expressed by LORAL/QUALCOM and Airtouch that any decision in this proceeding await the results of WRC-95. Since 1979, the 28 GHz band has been allocated by the ITU, co-primary, to fixed and fixed satellite, earth-

to-space, for Regions 2 and 3. In Region 1, the ITU allocation is for fixed and mobile only. In the U.S., the band is allocated to the Domestic Fixed Service. Interested parties around the world always have regarded the 28 GHz band as a "growth band" for the terrestrial point-to-point service. Certainly, any digression from current international agreements should await the outcome of U.S. proposals to change those agreements at WRC-95. Should WRC-95 not accede to the U.S. proposals or should WRC-95 adopt something different, the Commission should then re-examine its entire position in this proceeding.

Because the Commission, in the Third Notice, (paragraph 53), virtually took the fixed service "out of the game" as regards the 27.5 - 29.5 GHz band, none of the commenters (as far as can be determined) addressed that subject. Accordingly, their views are not known even though they could have been of assistance to the Commission in arriving at a fair and equitable decision in this proceeding. TIA reiterates its views that the curt dismissal in the Third Notice of any fixed service interest in the 27.5 - 29.5 GHz was indeed an arbitrary and capricious action. Under these circumstances, TIA reserves the right to seek leave from the Commission to respond to any Reply Comments.

There are fundamental point the Commission must consider in allocating spectrum to meet the radio telecommunications requirements of the American public. By adopting the proposals in the Third Notice, the Commission would be promoting an analog technology which has been overtaken by new and more spectrum efficient digital technology. NASA recognized this point in its comments. The traditional terrestrial fixed services should be accorded continued shared access to the 27.5-29.5 GHz band.

In conclusion, TIA requests the Commission to be mindful that efficient and effective management of the finite radio frequency spectrum is essential to meeting the requirements of all of the American public. Those requirements include the fixed microwave services which will be utilizing state-of-the-art designed equipments to maximize efficient use of the radio frequency spectrum.

Respectfully submitted,

Fixed Point-to-Point Communications Section,
Network Equipment Division of the
Telecommunications Industry Association

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